

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Revisions of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency Calling)
Systems)

CC Docket No. 94-102

To: The Commission

OPPOSITION TO PETITIONS FOR RECONSIDERATION

KSI Inc. (KSI), by its attorneys and pursuant to Section 1.429 of the Commission's Rules, respectfully submits the following Opposition to the Petitions For Reconsideration of the Third Report and Order in the above-captioned proceeding.¹ In particular, three petitions for reconsiderations were submitted in response to the *Third R&O* which revised the Phase II E-911 requirements adopted earlier in this Docket.² Each petitioner requests that the FCC revisit in part the requirements it has adopted governing the deployment of handset-based E-911 location systems, requesting that the FCC revise an "overly aggressive" deployment schedule for handset-based solutions,³ that the Commission relax the locational accuracy standards adopted for handset-based solutions to that applicable to network-based solutions and that the FCC better

¹ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems (Third Report and Order), FCC 99-245 (October 6, 1999) ("Third R&O").

² Petition for Reconsideration of Nokia Inc. and Motorola Inc., CC Docket 94-102 (December 6, 1999); Sprint PCS Petition For Reconsideration, CC Docket 94-102 (December 6, 1999); Petition for Reconsideration of Aerial Communications, Inc., CC Docket 94-102 (December 6, 1999).

³ Nokia/Motorola Petition at 2.

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accommodate non-GPS-based handset solutions.⁴ Aerial argues, moreover, that the FCC failed to provide adequate administrative notice of the rule changes it adopted in the *Third R&O*. Aerial Petition at 3-4.

As the FCC recognized in the *Third R&O* (at para. 2), “[t]he life-saving advantage of being able to know accurately and quickly the location of an emergency is obvious.” The FCC acknowledged the urgency of adopting Rules that would promote the availability of these existing technologies, as it has throughout the course of this Docket. To realize this goal, the Commission further recognized that the Rules adopted must provide regulatory certainty and “clear guidance” to the industry while balancing competing public interests. Thus, the FCC stated “[w]hile we believe that the public safety is advanced by the actions we take today, we recognize that these rule revisions involve several trade-offs.” *Third R&O* at para. 8.

KSI believed that the Rules initially adopted in this Docket in 1996 provided a fair opportunity for all location technologies that could meet the critical public needs identified by the Commission to compete in the marketplace. KSI, therefore, opposed the significant modifications to those Rules adopted in the *Third R&O* at the request of handset-based proponents. KSI, indeed, has continuing reservations concerning the trade-offs made in the *Third R&O* that will allow carriers to provide E-911 service to less than 100% of emergency callers. However, KSI recognizes that the compelling public interest in timely deploying location technologies is now best served by regulatory certainty. Accordingly, further reconsideration and debate on precise rollout dates and locational standards and other issues simply will serve the cause of delay and will harm

⁴ Nokia/Motorola Petition at 6-7; Aerial Petition at 3-4; Sprint Petition at 3.

the public interest. KSI, therefore, urges the FCC to expeditiously deny all reconsideration requests.

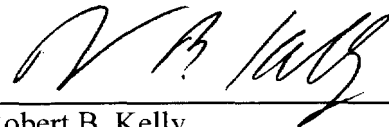
None of the Petitioners have raised new arguments or provided additional reasons or evidence not available to, or considered by, the Commission in its adoption of the Third R&O. The Petitions indeed seek to upset the balancing of interests and the trade-offs arrived in the Third R&O by changing only certain aspects of the Order. Yet, it is precisely those aspects that the Petitioners seek to change (e.g., a claimed increased locational accuracy) on which the FCC based its decision to allow the deployment of Phase II technologies that did not provide service to all E-911 callers. To this end, the Commission stated that “[w]e believe that it is appropriate and reasonable to expect that solutions taking advantage of a longer phase-in to achieve full ALI deployment should provide compensating advantages in performance.” Third R&O at para. 74. Thus, the *Third R&O* expressly adopted a trade-off of accuracy for deployment leniency. Aerial’s request that the FCC simply revisit one side of this trade off (the handset-based locational standard) itself would work a significant inequity. Clearly, in the event of reconsideration, the FCC must not revisit only the locational accuracy standard. Yet, as shown above, the costs of delay and prolonged regulatory uncertainty from reconsideration would significantly outweigh any potential benefits from yet again reworking the Phase II requirements.

Aerial’s claim that the FCC did not provide adequate notice and comment or base its conclusions in the Third R&O upon sufficient record support is equally without merit. As a participant in this Docket from its inception, KSI is well aware of the many opportunities the FCC has provided interested parties to comment on the issues resolved in the Third R&O. That the FCC provided adequate notice and comment is manifest

from the extent of the record in this Docket and the number of parties who commented on both the Public Notice, DA 98-2631 (December 24, 1998) and the Public Notice, DA 99-1049 (June 1, 1999) on these issues. In the latter Notice, the FCC expressly requested comment on a proposal that would tighten the locational accuracy standard applicable to handset-based solutions. Aerial's own comments demonstrate the adequacy of notice on the changes ultimately adopted in the *Third R&O*, noting that any Rule revisions adopted, among other things, should accommodate operators who commit to reaching improved accuracy. Reply Comments of Aerial Communications, Inc., CC Docket 94-102 (July 2, 1999) at 2. Given the many opportunities for comment provided by the FCC, and the many parties, including Aerial, who availed themselves of that opportunity, the Rule changes adopted in the *Third R&O* fall well within the scope of those that could be reasonably anticipated by interested parties.

As fully explained above, KSI urges the Commission to expeditiously deny reconsideration of the *Third R&O* as not supported by the record and contrary to the public interest.

**Respectfully submitted,
KSI INC.**



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February 22, 2000

CERTIFICATE OF SERVICE

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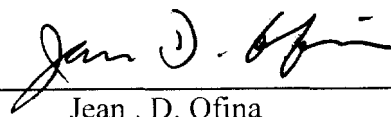
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